

PART 7 – RESIDENTIAL

7.1 DESCRIPTION OF ZONES

Zone Name	Zone	Intent of Zone
Single Dwelling Residential	R1 / R1a / R1b	This zone provides for low density, single residential dwelling developments and also for two principal dwellings on certain corner lots within the R1 and R1a zones.
Single Dwelling Residential - Small Lot	R2	This zone provides for small lot subdivisions, which are intended to contribute to the mix of housing within the city while offering an affordable and sustainable form of single residential dwelling developments.
Island Residential	R3	This zone provides for low density residential development of a permanent nature on Protection Island.
Duplex Residential	R4	This zone provides for two dwellings in one or two principal buildings on a residential lot.
Three and Four Unit Residential	R5	This zone provides for the development of small-scale multiple family residential dwellings, of up to four units, that are compatible with the scale or enhance the architectural style of single family residential development within the area.
Townhouse Residential	R6	This zone provides for a mixture of low density townhouse-form multiple family developments on lots compatible with the residential areas of the community.
Row House Residential	R7	This zone provides for street oriented, attached, medium-density row house dwelling units.
Medium Density Residential	R8	This zone provides for medium-density, multiple family developments on specific lots that are compatible with other residential and neighboring commercial land uses.
High Density (High Rise) Residential	R9	This zone provides for high density residential development for specific lots that support a high rise building form.
Steep Slope Residential	R10	This zone applies to properties identified as having steep slope characteristics and provides for detached, single residential dwelling subdivisions and clustered multiple family developments.
Recreational Vehicle Park	R11	This zone provides for the creation of recreational vehicle parks and the accommodation of persons in recreational vehicles.
Mobile Home Park Residential	R12	This zone provides for rental or strata title mobile home park parks at a low multi-family density as per "MOBILE HOME PARKS BYLAW 1984 NO. 2704".
Old City Duplex Residential	R13	This zone provides for residential rehabilitation and the development of new single residential dwellings and duplex residential redevelopment that is consistent with the historical architectural style of the area.
Old City Low Density (Fourplex) Residential	R14	This zone provides for residential rehabilitation and the development of small scale multiple family residential redevelopment that is consistent with the historical architectural style of the area.
Old City Medium Density Residential	R15	This zone provides for residential rehabilitation and the development of new medium density multiple family residential redevelopments that are consistent with the historical architectural style of the area.

(4500.002; 2011-OCT-03) (4500.014; 2012-JUN-11) (4500.031; 2012-DEC-03)

7.2 PERMITTED USES

7.2.1 The uses listed in the following table shall be permitted where indicated within the corresponding specified zone, and may be carried subject to the conditions of use:

Use	Zone																Conditions of Use
	R1/R1a	R1b	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	R12	R13	R14	R15	
Duplex	P	--	--	--	P	P	P	--	--	--	--	--	--	P	P	P	See Subsection 7.2.2
Hotel	--	--	--	--	--	--	--	--	SS	--	--	--	--	--	--	--	
Mobile Home Park	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	Subject to the "MOBILE HOME PARKS BYLAW 1984 NO. 2704"
Multiple Family Dwelling	--	--	--	--	--	P	P	--	P	P	P	--	--	--	P	P	
Park Model Trailer	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	
Recreational Vehicle Park	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	
Rooming House	--	--	--	--	--	P	P	--	P	--	--	--	--	P	P	P	Subject to Part 6.
Row House	--	--	--	--	--	--	--	P	--	--	--	--	--	--	--	--	
Single Residential Dwelling	P	P	P	P	P	P	P	--	P	P	P	P	P	P	P	P	
Triplex	--	--	--	--	--	P	P	--	--	--	--	--	--	--	--	--	

(4500.014; 2012-JUN-11) (4500.036; 2013-APR-22) (4500.053; 2013-DEC-16)

P = Permitted Use
-- = Use Not Permitted in this Zone
SS = Site Specific Use

7.2.2 Notwithstanding Subsection 7.2.1, within the R1 / R1a zones duplexes shall only be permitted where the lot is a corner lot with a lot area greater than 700m² in lot area but does not meet the lot area, lot depth or lot frontage requirements for subdivision provided one front door faces the front yard street and the other front door faces the flanking side yard. (4500.036; 2013-APR-22) (4500.092; 2016-FEB-01)

7.2.3 The uses listed in the following table shall be permitted as an accessory use where indicated within the corresponding specified zone, as per the conditions of use:

Use	Zone															Conditions of Use
	R1 / R1a / R1b	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	R12	R13	R14	R15	
Bed & Breakfast	A	A	A	A	A	A	A	A	A	A	--	--	A	A	A	Subject to Part 6. Must be located within a Single Residential Dwelling
Boarding & Lodging	A	A	A	A	A	A	A	A	A	A	--	--	A	A	A	Shall not exceed two sleeping units and shall not accommodate more than two persons. Must be included within a Single Residential Dwelling
Convenience Store	--	--	--	--	--	--	--	A	A	--	A	A	--	--	--	Gross Floor Area not to exceed 46m ² .
Daycare	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Subject to Part 6.
Home Based Business	A	A	A	A	A	A	A	A	A	A	--	A	A	A	A	Subject to Part 6.
Office	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	One office is permitted for the management of a mobile home park.
Park Model Trailer	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	
Secondary Suite	A	A	A	A	A	A	--	A	A	A	--	--	A	A	A	Subject to Part 6. Must be accessory to a Single Residential Dwelling
Storage Area	--	--	--	--	--	--	--	--	--	--	A	A	--	--	--	Where a Mobile Home Park or Recreational Vehicle Park exists. Subject to the "MOBILE HOME PARKS BYLAW 1984 NO. 2704"

A = Accessory Use Permitted (4500.002; 2011-OCT-03) (4500.014; 2012-JUN-11) (4500.031; 2012-DEC-03)
 -- = Accessory Use Not Permitted in this Zone

7.2.4 The following uses shall be permitted on site specific basis:

Use	Permitted Location Address	Legal Description of Permitted Location
Hotel	809 Island Highway	THAT PART OF BLOCK D, SECTION 1, NANAIMO DISTRICT, PLAN 1748, INCLUDED IN PLAN 285R, EXCEPT PARTS IN PLANS 7822 AND 9409
	1577 Stewart Avenue	LOT 1, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN VIP58684
Personal Care Facility	6085, 6095 and 6081 Uplands Drive	STRATA LOT 1, DISTRICT LOT 48, WELLINGTON DISTRICT, STRATA PLAN VIS5833, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V. LOT C, DISTRICT LOT 48, WELLINGTON DISTRICT, PLAN VIP53807, EXCEPT THAT PART IN STRATA PLAN VIS5833 (PHASE 1)

(4500.036; 2013-APR-22)

7.3 DENSITY

- 7.3.1 The following table specifies the maximum allowable base density per lot for each zone listed. Where additional density is permitted, the amount of additional density and the conditions required to achieve it are specified in the additional density column. Where additional density is achievable through Schedule D, that additional density shall be applied as part of the development permit process:

Zone	Maximum Allowable Base Density	Additional Density
R1 / R1a	One single residential dwelling.	Where the lot is a corner lot with a lot area greater than 700m ² in lot area but does not meet the lot area, lot depth or lot frontage requirements for subdivision, a total of up to two single residential dwellings or one duplex shall be permitted. Where more than one dwelling is located on a corner lot a secondary suite shall not be permitted in either dwelling unit. Where the lot area is greater than 0.4 hectares, one additional single residential dwelling shall be permitted.
R1b	One single residential dwelling.	Where the lot area is greater than 0.4 hectares, one additional single residential dwelling shall be permitted.
R2	One single residential dwelling.	
R3	One single residential dwelling with a total Floor Area Ratio of no greater than 0.55.	
R4	Two dwelling units with a total Floor Area Ratio of no greater than 0.55.	
R5	Three dwelling units with a total Floor Area Ratio of no greater than 0.55.	Where a lot is a corner lot, abuts a laneway or is 1200m ² in area one additional dwelling unit is permitted.
R6	The maximum Floor Area Ratio shall not exceed 0.45.	Where the development meets or exceeds the Tier 1 requirements as described within Schedule D of this Bylaw, the maximum allowable Floor Area Ratio may be increased by an additional 0.1. Where the development meets or exceeds the Tier 2 requirements as described within Schedule D of this Bylaw, the maximum allowable Floor Area Ratio may be increased by an additional 0.15.
R7	1 dwelling unit per 150m ² of lot area.	
R8	The maximum Floor Area Ratio shall not exceed 1.25.	Where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than 0.8m above the finished grade), an amount may be added to the Floor Area Ratio equal to 0.25 multiplied by the percentage of the total parking spaces provided underground. Where the development meets or exceeds the Tier 1 requirements as described within Schedule D of this Bylaw, the maximum allowable Floor Area Ratio may be increased by an additional 0.1. Where the development meets or exceeds the Tier 2 requirements as described within Schedule D of this Bylaw, the maximum allowable Floor Area Ratio may be increased by an additional 0.25.
R9	The maximum Floor Area Ratio shall not exceed 3.00.	Where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than 0.8m above the finished grade), an amount may be added to the Floor Area Ratio equal to 0.25 multiplied by the percentage of the total parking spaces provided underground. Where the development meets or exceeds the Tier 1 requirements, as described within Schedule D of this Bylaw, the maximum allowable Floor Area Ratio may be increased by an additional 0.1. Where the development meets or exceeds the Tier 2 requirements, as described within Schedule D of this Bylaw, the maximum allowable

		Floor Area Ratio may be increased by an additional 0.25.
R10	<p>16 dwelling units per hectare of land or portion thereof, excluding the watercourse leave strip area and statutory park dedication.</p> <p>Where a lot contains one or two dwelling units, the maximum Floor Area Ratio shall not exceed 0.55.</p> <p>Where a lot contains three or more units, the maximum Floor Area Ratio shall not exceed 0.45.</p>	<p>Where the lot contains more than one unit and development meets or exceeds the Tier 1 requirements, as described within Schedule D of this Bylaw, the maximum allowable Floor Area Ratio may be increased by an additional 0.1.</p> <p>Where the lot contains more than one unit and development meets or exceeds the Tier 2 requirements, as described within Schedule D of this Bylaw, the maximum allowable Floor Area Ratio may be increased by an additional 0.15.</p>
R11	25 recreational vehicle spaces per gross hectare of land or portion thereof.	
R12	20 mobile homes or park mobile trailers pads per gross hectare of land or portion thereof.	
R13	Two dwelling units.	
R14	Not more than four dwelling units. The maximum Floor Area Ratio shall not exceed 0.65.	
R15	The maximum Floor Area Ratio shall not exceed 0.85.	Where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than 0.8m above the finished grade), an amount may be added to the Floor Area Ratio equal to 0.25 multiplied by the percentage of the total parking spaces provided underground.

**(4500.002; 2011-OCT-03) (4500.012; 2012-APR-16) (4500.014; 2012-JUN-11)
(4500.031; 2012-DEC-03) (4500.036; 2013-APR-22) (4500.092; 2015-FEB-01)**

- 7.3.2 Notwithstanding 7.3.1, within the R10 Zone a minimum of one single residential dwelling shall be permitted on each lot that meets the applicable lot size requirements under Section 7.4.
- 7.3.3 Notwithstanding 7.3.1, within the R10 Zone where land is subdivided and park land dedication is provided in excess of 5% of the total land area, one or more lots of the resulting subdivision is eligible for additional dwelling units provided that the lot or lots are identified to the City at the time of the subdivision plan filed with the City. The additional dwelling units available for transfer to lots within a subdivision shall be calculated as 16 dwelling units per hectare of parkland dedicated in excess of 5% provided no portion of the area used in this calculation is within a Watercourse identified in Schedule C, and its associated leave strip(s).
- 7.3.4 Notwithstanding 7.3.1, the maximum Floor Area Ratio shall not exceed 1.277 for land legally described as Lot A, Section 1, Nanaimo District, Plan VIP 57973 (325 Hecate Street).
- 7.3.5 Notwithstanding 7.3.1, the maximum Floor Area Ratio shall not exceed 3.6 for the land legally described as Lot B of Section 1, and of Part of the Bed of the Public Harbour of Nanaimo, Nanaimo District, Plan VIP58279 (154 Promenade Drive).
- 7.3.6 Notwithstanding 7.3.1, no more than 30.67 recreational vehicle spaces shall be developed per hectare of land, or portion thereof, on land legally described as Lot C, Section 10, Range 8, Mountain District, Plan 2977, Except That Part in Plan 146 RW (2323 Arbot Road).
- 7.3.7 Notwithstanding 7.3.1, the maximum Floor Area Ratio shall not exceed 0.7 on the land legally described as Lot A, Section 17, Range 7, Mountain District, Plan 34388 (2202 Meredith Road). **(2018-JUL-09; 4500.121)**

7.4 LOT SIZE AND DIMENSIONS

7.4.1. The following table specifies the minimum lot size, minimum lot frontage and minimum lot depth of all residential lots serviced by community water, sanitary sewer, and a storm water drainage system within the corresponding zones:

Zone	Minimum Lot Size	Minimum Lot Frontage	Minimum Lot Depth
R1	500m ² 450m ² - L	15m 10m - L or C	30m 26.5m - L
R1a	600m ²	15m 10m - C	30m
R1b	500m ²	15m / 10m - C	30m
R2	325m ² 290m ² - L	10m 11.5m where lot is a corner lot	28m 24m - L
R3	2000m ²	15m	30
R4	700m ² 647.5m ² - L	15m	30m 26.5m - L
R5	800m ² 700m ² - L	15m	30m 26.5m - L
R6	1500m ²	15m	30m 26.5m - L
R7 <i>Attached on Two Sides</i>	150m ²	5.5m	27m 24m - L
R7 <i>Attached on One Side</i>	200m ²	7.5m	27m 24m - L
R7 <i>Corner Lot</i>	250m ²	10m	27m 24m - L
R8	1,800m ²	15m	30m
R9	1,800m ²	15m	30m
R10 ¹	1,200m ² (see footnote 1)	15m	30m
R10 <i>Less than 5% Slope²</i> (see footnote 2)	325m ²	10.5m 10m C 12m where lot is a corner lot	27.5 m 24 m - L
R11 <i>Total Lot Area</i>	2 hectares	18 m	30m
R12 <i>Total Lot Area</i>	1 hectare	18m	30m
R12 <i>Individual Mobile Home Lots</i>	325m ²	N/A	N/A
R13	750m ²	13m	30m
R14	750m ²	15m	30m
R15	750m ²	15m	30m

(4500.014; 2012-JUN-11)

- L = Indicates where the lot can be accessed from a lane abutting a side or rear property line.
C = Indicates where a lot fronts on a cul-de-sac.
¹ = Within the R10 zone Lot area may be reduced to 600m² where the steep slope area is not included in the calculation of lot area.
² = Within the R10 zone, the lot area may be reduced to 325m² where the average slope of the lot does not exceed 5%, as measured on undisturbed natural grade between the centre points of each lot line in either direction and the subdivision does not result in a density greater than 16 dwelling units per hectare (excluding the watercourse leave strip area and excluding statutory park dedication) on the lot proposed for subdivision. (4500.073; 2015-MAR-16)

- 7.4.2 Where the lot abuts a watercourse, as indicated on Schedule C, or is subject to a geotechnical setback, the required watercourse leavestrip or geotechnical setback area shall not be included in the calculation of lot area.
- 7.4.3 Notwithstanding Subsection 7.4.2, a geotechnical setback area may be included in lot area for a lot within the R10 zone.
- 7.4.4 Notwithstanding Subsection 7.4.1, the minimum lot depth in all zones shall be 45m where the property abuts the Nanaimo Parkway.
- 7.4.5 Notwithstanding Subsection 7.4.1, within the R1 zone where a lot is subdivided the minimum lot size requirement may be reduced by up to 10% provided the average lot size within the subdivision is equal to or greater than 500m². **(4500.002; 2011-OCT-03)**
- 7.4.6 Notwithstanding Subsection 7.4.1, within the R11 zone the minimum recreational vehicle space pad area shall not be less than 200m².
- 7.4.7 Notwithstanding Subsection 7.4.1, within the R11 zone the minimum recreational vehicle park lot area within a recreational vehicle park, shall not be less than 200m² on lands legally described as Lot C, Section 10, Range 6, Mountain District, Plan 2977, Except That Part in Plan 146 RW (2323 Arbot Road).

7.5 SITING OF BUILDINGS

7.5.1 The following table identifies the minimum distance a principal building must be set back from the lot line specified within each respective column heading within each zone:

Zone	Front Yard	Side Yard	Flanking Side Yard	Rear yard
R1 / R1a / R1b	4.5m	1.5m	4m	7.5m
R2	4.5m	1.5m	3m	6m
R3	6m	1.5m	4m	7.5m
R4	4.5m	1.5m	4m	7.5m
R5	4.5m	1.5m	4m	7.5m
R6	6m	3m	4m	7.5m
R7	3m	0m	2.5m	3m
R8	6m	3m	4m	10.5m
R9	7.5m	7.5m	7.5m	7.5m
R10	4.5m	1.5m	4m	7.5m
R11 ¹	7.5m	7.5m	7.5m	7.5m
R12 ¹	6m	3m	6m	3m
R12 <i>Pad Area²</i>	4.5m	1.5m	3m	3m
R13	4.5m	1.5m	2.5m	7.5m
R14	6m	1.5m	2.5m	7.5m
R15	6m	1.5m	2.5m	7.5m

(4500.014; 2012-JUN-11)

¹ = *Within a mobile home park and a RV park 3m of the setback area must be landscaped in accordance with Part 17 of this Bylaw.*

² = *Where no mobile home lots exist the front yard setback shall be taken from the road (public or private) upon which the mobile home fronts. A mobile home shall not be closer than 3m to another mobile home, as measured between the outside wall faces.*

7.5.2 Notwithstanding Subsection 7.5.1, general provisions in Part 6 for the siting of buildings near watercourses will also apply.

7.5.3 Notwithstanding Subsection 7.5.1, all garage doors and carport entrance ways facing a street on a single residential dwelling or duplex must be setback at least 6m.
(4500.031; 2012-DEC-03) (4500.073; 2015-MAR-16)

7.5.4 Notwithstanding Subsection 7.5.1, where a property abuts a major road, an additional 2.5m front yard setback is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road.

7.5.5 Notwithstanding Subsection 7.5.1, within the R7 where a row house abuts another unit a 0m minimum and maximum side yard setback is required. Where a row house unit does not abut another row house unit a 1.5m side yard setback is required.

- 7.5.6 Notwithstanding Subsection 7.5.1, within the R1 / R1a / R1b and R2 zones where a side yard setback of 3m or more is provided on at least one side yard, the front yard setback may be reduced to 4m. **(4500.014; 2012-JUN-11)**
- 7.5.7 Notwithstanding Subsection 7.5.1, where a single residential dwelling exists within the R8 zone, the minimum required setback from the property lines shall be as specified within the R1 zone. **(4500.073; 2015-MAR-16)**

7.6 SIZE OF BUILDINGS

- 7.6.1 The following table identifies the maximum lot coverage, the maximum height of a principal building for a flat and sloped roof building and the maximum allowable perimeter wall height within each zone:

Zone	Lot Coverage	Height of Principal Building - Flat Roof ¹ (<i>< than 4:12 pitch</i>)	Height of Principal Building - Sloped Roof ¹ (<i>≥ 4:12 pitch</i>)	Perimeter Wall Height ²
R1 / R1a / R1b	40%	7m	9m	7.32m
R2	40%	7m	9m	7.32m
R3	35%	7m	9m	N/A
R4	40%	7m	9m	7.32m
R5	50%	8m	9m	N/A
R6	40%	7m	9m	N/A
R7	70%	9m	10.5m	N/A
R8	40%	14m	14m	N/A
R9	40%	36m	36m	N/A
R10	40%	7m	9m	7.32m
R11	20% Excluding Recreational Vehicles	7m	7m	N/A
R12	40%	7m	7m	N/A
R13	40%	7.75m	7.75m	N/A
R14	40%	7.75m	7.75m	N/A
R15	40%	9.5m	9.5m	N/A

(4500.014; 2012-JUN-11)

¹ For an area of at least 80% of all roof surfaces measured in plan view

² Gable ends, localized depressions and dormers are exempt from the calculation of perimeter wall height. **(4500.012; 2012-APR-16)**

- 7.6.2 Notwithstanding Subsection 7.6.1, the height of a principal building in the case of LOT 4, DISTRICT LOT 48, WELLINGTON DISTRICT, PLAN VIP78452 (6340 McRobb Avenue) shall not exceed 66m nor 20 storeys, whichever is lesser.

- 7.6.3 Notwithstanding Subsection 7.6.1, for a lot having an area less than 1,666.66 m², within the R1 / R1a, R2, R9 and R10 Zones, the height of a principal dwelling may also be measured from the curb level of the highest street abutting the property, in accordance with Table 7.6.3: **(4500.073; 2015-MAR-16)**

Roof Pitch	Maximum Height
A flat roof (< than 4:12 pitch)	3m
A sloped roof (a roof with a slope ≥ a 4:12 pitch)	5.5m

For the purposes of this Subsection, the geotechnical setback and watercourse leave strip shall not be included in the calculation of lot area.

- 7.6.4 Notwithstanding subsection 7.6.1., where a single residential dwelling exists within an R8 zone, the maximum allowable size of the single residential dwelling shall not exceed the allowable height, lot coverage and perimeter wall height which is permitted within the R1/R1a zone. **(4500.012; 2012-APR-16)**
- 7.6.5 Notwithstanding Subsection 7.6.1, within the R13, R14 and R15 Zones height shall be measured vertically from the average natural grade level recorded at the outermost corners of the building or at the curb level, whichever is greater, as determined by a survey to the highest part of the roof surface for a flat roof, the deck line of a mansard roof, and the mean height level between the eaves and ridge of a gable, hip, or gambrel of a sloped roof.
- 7.6.6 Notwithstanding Subsection 7.6.1, the maximum perimeter wall height may be increased on rear and internal side yard elevations to a maximum of 9.14m, provided:
- (a) any rear wall face over 7.32m in height is a minimum of 10m from the rear property line;
 - (b) no wall face over 7.32m in height shall exceed 7.32m in width and must be offset by a minimum of 0.61m from any adjacent wall over 7.32m in height; and
 - (c) any eave or gable end associated with a wall face over 7.32m in height must not exceed 8.53m in width and must be offset by at least 0.61m from any adjacent eave or gable end which is associated with any adjacent wall face over 7.32m in height.
- 7.6.7 Notwithstanding 7.6.1, the height of a principal building shall not exceed 9.2m on the land legally described as Lot A, Section 17, Range 7, Mountain District, Plan 34388 (2202 Meredith Road). **(2018-JUL-09; 4500.121)**

7.7 CONDITIONS OF USE (4500.012; 2012-APR-16)

- 7.7.1 The following conditions of use shall apply to the Recreational Vehicle Park (R11) zone only:
- (a) Recreational vehicles may be located within a recreational vehicle park for more than 90 days in any calendar year and may be occupied for more than 90 days in any calendar year.
 - (b) The Gross Floor Area of an accessory building constructed or placed on a recreational vehicle space shall not exceed 4.5m².
 - (c) An open deck or patio with or without a canopy may be constructed on a recreational vehicle space provided it does not exceed a floor area of 32.5m².
 - (d) Not more than 11.15m² of open deck or patio area may be enclosed.
 - (e) Not more than 5% of the gross recreational vehicle park area shall be used for an accessory storage area.

7.7.2 Within the Single Dwelling Residential – Small Lot (R2) zone, where a lane exists, driveway access must be from the lane. **(4500.031; 2012-DEC-03)**